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### AN ENVIRONMENTAL AND ENERGY LAW PRACTICE

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Office of Regional Hearing Clerk

Carol F. McCabe 484-430-2304 cmccabe@mgkflaw.com

Admitted in NJ and PA

November 15, 2010

Via Overnight Mail Wanda Santiago Regional Hearing Clerk U.S. Environmental Protection Agency Region 1 ORA-18-1 Five Post Office Square, Suite 100 Boston, MA 02109

> Re: Tanner Industries, Inc.

> > Motion For Extension Of Time To File Answer

Docket No. CAA-01-2010-0061

Dear Ms. Santiago:

Enclosed please find an original and one copy of Tanner Industries, Inc.'s Motion for Extension of Time to File Answer along with a Certificate of Service. Please contact me at (484) 430-2304, should you have any questions regarding this filing.

Very truly yours,

Carol F. McCabe

For MANKO, GOLD, KATCHER & FOX, LLP

Bulkelule

CFM/vc/10571.005

Enclosure

Gregory Dain, Senior Enforcement Counsel

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

### MOTION FOR EXTENSION OF TIME TO FILE ANSWER

Pursuant to 40 C.F.R. §22.16, Respondent, Tanner Industries, Inc. ("Tanner"), requests that the Presiding Officer grant a thirty (30) day extension of time for Respondent to file an Answer in this proceeding.

Respondent received the Complaint on September 22, 2010. An extension of time to file an answer was granted until November 22, 2010 by Order dated October 19, 2010.

The parties have made progress towards a possible settlement during a meeting that occurred on Friday, October 15, 2010 and in subsequent telephone conversations. The parties have also decided to continue their settlement discussions and Tanner has agreed to provide additional information to EPA for evaluation in the context of a proposed settlement of the matter. On November 10, 2010, Gregory Dain, EPA Region 1 legal counsel in this proceeding, stated over the telephone that EPA would not oppose this motion.

Accordingly, Respondent believes that the parties' resources would best be spent at this time on settlement negotiations rather than on preparation of an Answer to the Complaint.

Respondent therefore respectfully requests that the Presiding Officer grant this motion for a thirty

(30) day extension of time, from November 22, 2010 up through and including December 22, 2010 for Respondent to file its Answer.

Respectfully submitted,

Dated: 11-15-10

Carol F. McCabe
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401 City Avenue
Suite 500
Bala Cynwyd, PA 19004
(484) 430-2304

Attorney for Respondent Tanner Industries, Inc.

#### CERTIFICATE OF SERVICE

I hereby certify that the foregoing Motion for Extension of Time to File an Answer was delivered in the following manner to the addressees listed below:

Original and One Copy by

Overnight Mail:

Wanda Santiago

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 1

ORA-18-1

Five Post Office Square, Suite 100

Boston, MA 02109

One copy by Overnight Mail

and Facsimile

Gregory Dain, Senior Enforcement Counsel

U.S. Environmental Protection Agency, Region 1

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Date Sent: 11-15-10

Signed: Cul McCulu

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